

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER RAINES,

Plaintiff,

v.

LEHIGH HANSON SERVICES LLC;  
MARTIN MARIETTA MATERIALS, INC.;  
and HEIDELBERG CEMENT GROUP,

Defendants.

WALTER L. RAINES,

Plaintiff,

v.

LEHIGH HANSON SERVICES LLC;  
CALAVERAS MATERIALS, INC.;  
MARTIN MARIETTA MATERIALS, INC.;  
HEIDELBERG CEMENT GROUP; and  
MARTIN MARIETTA NORTHERN  
CALIFORNIA AGGREGATES, LLC,

Defendants

Nos. 2:23-cv-01539-DJC-CKD;  
2:23-cv-02516-TLN-KJN

ORDER RELATING AND  
CONSOLIDATING CASES

On November 17, 2023, Defendant Martin Marietta Materials, Inc. moved to consolidate the above-entitled actions in the first-filed case denominated 2:23-cv-

1 01539-DJC-CKD. (See ECF No. 26.) On December 13, 2023, the Court issued an  
2 Order to Show Cause instructing Plaintiff to respond to Martin Marietta Materials, Inc.'s  
3 Motion to Consolidate Cases. (See ECF No. 29.) Plaintiff filed a statement of non-  
4 opposition on December 27, 2023. (See ECF No. 32.)

5 Before the Court may consolidate the above-entitled cases, the Court must find  
6 that the cases are related within the meaning of Local Rule 123. See Fed. R. Civ. P.  
7 42(a) (permitting consolidation only where "actions before the court involve a  
8 common question of law or fact[ ]"). Examination of the above-entitled actions reveals  
9 that they are related within the meaning of Local Rule 123(a). See E.D. Cal. R. 123(a)  
10 (Mar. 1, 2022). Here, "both actions involve similar questions of fact and the same  
11 question of law and their assignment to the same Judge or Magistrate Judge is likely  
12 to effect a substantial savings of judicial effort . . . ." E.D. Cal. R. 123(a)(3). As a result,  
13 the assignment of these matters to the same District Judge and Magistrate Judge is  
14 likely to effect of substantial savings of judicial effort and is likely to be convenient for  
15 the parties. Therefore, it is hereby ORDERED that the case denominated 2:23-cv-  
16 02516-TLN-KJN be reassigned to District Judge Daniel J. Calabretta and Magistrate  
17 Judge Carolyn K. Delaney for all further proceedings. Further, it is ORDERED that any  
18 dates currently set in this reassigned case only are VACATED. Henceforth, the caption  
19 on documents filed in the reassigned cases shall be shown as 2:23-cv-02516-DJC-  
20 CKD. The Clerk of Court shall make the appropriate adjustment in the assignment of  
21 civil cases to compensate for this reassignment.

22 Accordingly, the Court ORDERS that:

- 23 1. Pursuant to Federal Rule of Civil Procedure 42, the actions denominated  
24 as *Raines v. Lehigh Hanson Services, LLC, et al.*, Case Number 2:23-cv-  
25 01539-DJC-CKD, and *Raines v. Lehigh Hanson Services, LLC, et al.*, Case  
26 Number 2:23-cv-02516-DJC-CKD, are hereby consolidated;
- 27 2. Case Number 2:23-cv-01539-DJC-CKD is designated as the "master file;"

3. The Clerk of the Court is DIRECTED to add all complaints and answers filed in Case Number 2:23-cv-02516-DJC-CKD to the master file;
4. The Clerk of the Court is DIRECTED to administratively close Case Number 2:23-cv-02516-DJC-CKD;
5. The parties are directed to file all future pleadings, motions and other filings ONLY in Case Number 2:23-cv-01539-DJC-CKD;
6. The Stipulation and Proposed Order (ECF No. 22) filed in Case No. 2:23-cv-02516 is DENIED AS MOOT; and
7. Plaintiff is directed to file an amended complaint in the consolidated case within thirty (30) days of this Order; and
8. The parties are directed to submit a joint status report in this case within thirty (30) days of this Order.

IT IS SO ORDERED.

Dated: **January 8, 2024**

  
Hon. Daniel J. Calabretta  
UNITED STATES DISTRICT JUDGE

DJC3 - Raines.23cv1539.Mot.Relate/Consolidate.Cases